

**MINUTES OF PUBLIC MEETING
FOR THE CORRECTIONS OFFICER RETIREMENT PLAN LOCAL BOARD
FOR THE JUDICIARY**

A Public Meeting of the Corrections Officer Retirement Plan Local Board for the Judiciary was convened Tuesday, September 7, 2021 at 10:00 a.m., Conference Room 109, Arizona State Courts Building, 1501 West Washington Street, Phoenix, Arizona.

Board Members Present in Conference Room 109: N/A

Board Member Present by Conference/Video Call: Kevin Kluge; Jennifer Fish; Scott Mabery; Mark Smalley; Jason Hathcock

Board Member Absent:

Also Present in Conference Room 109: Vanessa Haney, Local Board Secretary (video call); Alicia Bocardo, Recorder (video call); Lesli Sorensen, Board Attorney; (video call); Steven Jackson, Applicant #21-02 (conference call); Erika Muhammad, Applicant #21-03 (conference call).

Call to Order:

Approval of the Minutes:

September 7, 2021 – Public Meeting Minutes

MOTION: A motion to approve the public minutes of the September 7, 2021 meeting was made by Mark Smalley. The motion was seconded and passed unanimously; minutes stand approved. **CORP 2021-46**

Request to Remain in ASRS I (Taken out of Order)

The Board received a request dated August 19, 2021, from Stephanie Meyer to remain in the Arizona State Retirement System (ASRS) pursuant to A.R.S. §38-891(F).

Ms. Meyer began employment as a Pinal County senior Administrative Assistant on August 31, 2009. She became a full-time Surveillance Officer on August 23, 2021. Her request form indicates that she has 12 years of credited service with the ASRS.

MOTION: A motion to approve the request by Stephanie Meyer to remain in the Arizona State Retirement System, as it appears Ms. Meyer has met the requirement of a minimum of five years of service credited under the Arizona State Retirement System was made by Jennifer Fish. The motion was seconded and passed unanimously. **CORP 2021-39**

Request to Remain in ASRS II (Taken out of Order)

The Board received a request dated July 28, 2021, from Christina Lauro to remain in the Arizona State Retirement System (ASRS) pursuant to A.R.S. §38-891(F).

Ms. Lauro began employment as a Pinal County Juvenile Detention Officer III and became a full-time Juvenile Probation Officer on July 26, 2021. Her request form indicates that she has 13.826 years of credited service with the ASRS.

The Chair noted that the statute referenced for the Board's meeting purposes was correct but that the form produced by Public Safety Personnel Retirement System references the incorrect statute. The Local Board Secretary stated that the form must be updated by Public Safety as it was downloaded directly from their website.

MOTION: A motion to approve the request by Christina Lauro to remain in the Arizona State Retirement System, as it appears Ms. Lauro has met the requirement of a minimum of five years of service credited under the Arizona State Retirement System was made by Scott Mabery. The motion was seconded and passed unanimously. CORP 2021-40

Decision on Notice of Retiree Return to Work I (Taken out of Order)

The Board received a Notice of Retiree Return to Work from the Pinal County Superior Court for Denise Hillman. The form indicated that Ms. Hillman retired from the Pinal County Probation Department effective August 20, 2021. Ms. Hillman returned to work for Pinal County on August 23, 2021 as a Bailiff, which is not a CORP designated position.

A copy of A.R.S. §38-884.N-O. was provided to the Board as well as a copy of Ms. Hillman's current job description.

MOTION: Mark Smalley moved that: (1) Denise Hillman is eligible to continue to receive a CORP pension; (2) Pinal County is not responsible for paying an alternate contribution rate on her behalf. The motion was seconded and passed unanimously. CORP 2021-41

Decision on Notice of Retiree Return to Work II (Taken out of Order)

The Board received a Notice of Retiree Return to Work from the Maricopa County Superior Court for Brian Slater. The form indicated that Mr. Slater retired from the Maricopa County Probation Department effective May 30, 2015. Mr. Slater returned to work for Maricopa County on June 1, 2020 as a Recruitment and Special Assignment Supervisor, which is not a CORP designated position.

A copy of A.R.S. §38-884.N-O. was provided to the Board as well as a copy of Mr. Slater's current job description.

MOTION: Mark Smalley moved that: (1) Brian Slater is eligible to continue to receive a CORP pension; (2) Maricopa County is not responsible for paying an alternate contribution rate on his behalf. The motion was seconded and passed unanimously. CORP 2021-42

Decision on Notice of Retiree Return to Work III (Taken out of Order)

The Board received a Notice of Retiree Return to Work from the Pinal County Superior Court for Saul Schoon. The form indicated that Mr. Schoon retired from the Maricopa County Probation Department effective March 31, 2021. Mr. Schoon returned to work for Pinal County on August 23, 2021 as a Probation Division Manager, which is not a CORP designated position.

A copy of A.R.S. §38-884.N-O. was provided to the Board as well as a copy of Mr. Schoon's current job description.

Board member Jennifer Fish inquired about the positions eligibility criteria because it appeared that the position was CORP eligible as described in the position description.

The Chair stated that the position was to be filled as part-time and would invalidate CORP eligibility. He also expressed that it was unclear in what capacity the position would be filled which could not determine if an Alternation Contribution Rate would have to be paid

Board member Jennifer Fish agreed that more information would be needed. The Chair tabled this item for the next Board meeting pending clarification from Pinal County.

Consideration of Disability Applications I:

The Board received Application #21-02 for Ordinary Disability benefits from Steven Jackson on August 30, 2021.

The applicant is a Maricopa County Probation Officer with 17.673 years of service.

The applicant identified the disabling condition as: "Multiple Sclerosis".

Mr. Jackson was notified via certified letter that the Board would consider his application at this meeting and of the applicant's right to attend.

The applicant initialed the Waiver of Confidentiality provision, to allow discussion of the medical condition in open public meeting.

The applicant provided medical reports of findings and treatment with the application. The application and medical reports were provided for the Board.

The criteria for Ordinary Disability benefits per A.R.S. §38-881.01 are: "Ordinary disability" means a physical condition that the local board determines will prevent an employee from totally and permanently performing a reasonable range of duties within the employee's department or a mental condition that the local board determines will prevent an employee from totally and permanently engaging in any substantial gainful activity.

The applicant's physical exam dated May 16, 2007 was provided to the Board. The exam report identified the following pre-existing condition: hypertension.

A copy of A.R.S. §38-886.01 governing Local Board consideration of applications for Ordinary Disability was included for reference purposes.

The Local Board Secretary advised the Board that the applicant and the Board Attorney were present via conference call.

Board member Mark Smalley asked Mr. Jackson the date of his diagnosis. The applicant replied that he was diagnosed in November of 2018, but the most recent flare up of his condition has affected his ability to talk, walk, and speak.

MOTION: A motion to refer Applicant #21-02 for an Independent Medical Evaluation for Ordinary Disability was made by Mark Smalley. The motion was seconded and passed unanimously. **CORP 2020-43**

Consideration of Disability Applications II:

The Board received Application #21-03 for Accidental Disability benefits from Erika Muhammad on August 25, 2021.

The applicant is a Maricopa County Probation Officer with 6.809 years of service.

The applicant identified the disabling condition as: "Work related PTSD, Anxiety and Depression".

Ms. Muhammad was notified via certified letter that the Board would consider her application at this meeting and of the applicant's right to attend.

The applicant initialed the Waiver of Confidentiality provision, to allow discussion of the medical condition in open public meeting.

The applicant provided medical reports of findings and treatment with the application. The application and medical reports are provided for the Board.

The criteria for Accidental Disability benefits per A.R.S. §38-881 are: "Accidental disability" means a physical or mental condition that the local board finds totally and permanently prevents an employee from performing a reasonable range of duties within the employee's department and was incurred in the performance of the employee's duties.

The applicant's physical exam dated November 11, 2014 was provided to the Board. The exam report identified no pre-existing conditions.

A copy of A.R.S. §38-886 governing Local Board consideration of applications for Accidental Disability was included for reference purposes.

The Local Board Secretary informed that Board that the applicant was present via conference call. The Chair asked Ms. Muhmmad if she wished to make a statement. The applicant declined.

The Chair stated that there was a lack of documentation including medical records for the Short-Term Disability via employer.

The applicant responded that she was unaware of the documentation that would have been needed for the Board meeting. She stated that the records that were submitted to the Board were the same notes that were provided to the employer for Short-Term Disability.

Board member Jennifer Fish informed Ms. Muhammad that Short-Term Disability cases do consist of medical notes and records but also a physician's statement that is conducted via a third-party administrator. Ms. Fish added that the statement would be useful to the Board.

Board Attorney Lesli Sorensen explained to the applicant that it would be ideal to have all medication documentation because the Board cannot discuss her case prior to the meeting due to open meeting laws. The Board Attorney advised the applicant to submit any and all records including: the Emergency Room doctor's notes referred to in the medical history, the physician's Short Term Disability statement, and previous therapy notes.

Board member Scott Mabery asked the applicant if the onset of her current condition was directly related to the loss of her defendants. The applicant replied that there were many work-related incidents prior to the loss of her defendants that heightened her sensitivity and she feels her condition impacts her ability to continue her job duties and responsibilities.

The Chair asked Ms. Muhammad if there was any documentation or incident reports to support her timeline of events. The applicant replied that she did not believe any report/document was drafted per incident but that there were staff members that she could check in with.

Board member Scott Mabery stated that perhaps management kept records that could be forwarded to the Board to establish a causation timeline.

Board member Mark Smalley asked the applicant if she was still receiving Short-Term Disability. Ms. Muhammad responded that she is no longer receiving the benefit. She added that she is currently on leave without pay.

The Chair stated that he was in favor of tabling the item until more documentation is provided by the applicant. He explained to Ms. Muhammad that due to the nature of the application, there must be enough medical evidence to establish a timeframe that validates a direct cause of the accidental disability to support an Independent Medical Evaluation.

The applicant inquired if the Board could appoint staff to help facilitate the gathering of the documentation that the Board requested.

Board member Jennifer Fish suggested the Local Board Secretary could draft a list of requested items that could be forwarded to the county. The Chair instructed the Local Board Secretary to create a list and send it to the applicant.

The Chair tabled the matter until a timeframe of events with supported evidence/reports is produced.

Approval of Normal Retirement Benefits:

There were six applications for Normal Retirement benefits submitted for the Board's approval pursuant to A.R.S. § 38-893 (D).

MOTION: A motion to approve the payment of Normal Retirement benefits to the following applicants in about the following amount effective August 1, 2021 was made by Jennifer Fish. The motion was seconded and passed unanimously. CORP 2021-44

Devon Clifford \$2,192.55

Robin Gastelum \$3,709.31; Reverse DROP Estimate \$230,303.86

Denise Hillman \$3,662.49

Teresa Manning \$5,580.74

Anita Salisbury \$3,175.26

Patrick Ward \$2,894.48

Acknowledgment of CORP Physical Exam Final Letter

Physical examination reports have not been received for the members listed below. Certified letters were sent to the members regarding non-receipt of the CORP physical examinations within 60 days of receipt of the membership forms.

<u>Name</u>	<u>Date Letter Sent</u>
Brady Pond	April 28, 2021
Melissa Suleski	April 28, 2021

The Chair noted for the record that the physical examinations for Brady Pond and Melissa Suleski were not received within 60 days of receipt of their membership applications and that final letter requesting the examinations were sent via certified mail.

Approval of Membership:

The Local Board voted on the approval of the following requests for membership:

Acuna Crona, Luz	Maricopa	08/01/2021
Aleshire, Joseph	Yavapai	08/01/2021
Holmes, Joshua	Pima	08/08/2021
Martinez, Javier	Pima	07/25/2021
McKay, Rachel	Maricopa	08/08/2021
Murphy, Justin	Pima	08/15/2021
Norman, Tristan	Pima	08/15/2021
Pond, Brady	Pima	04/25/2021
Puopolo, Daniel	Pima	07/25/2021
Rhyne, Eric	Pinal	08/15/2021
Suleski, Melissa	Pima	05/30/2021
Veninga, Tristan	Pima	08/15/2021
Zambriski, Cheryl	Maricopa	08/08/2021

MOTION: Scott Mabery moved to approve the 13 applicants listed on the agenda for this meeting for membership in CORP pursuant to A.R.S. §38-893.D and to note for the record that the physical examinations for Luz Acuna Crona, Joseph Aleshire, Joshua Holmes, Justin Murphy, Eric Rhyne, and Cheryl Zambriski identified a physical or mental condition or injury that existed or occurred before their date of membership in the plan. The motion was seconded and passed unanimously. **CORP 2021-45**

Approval of Survivor Benefit:

An application for a survivor benefit was submitted for the Board's approval pursuant to A.R.S. §38-887.

Herbert Marlow (Active Member, deceased August 6, 2021)
Benefit Payable to Spouse Samantha Marlow beginning September 30, 2021: \$1,766.98

MOTION: A motion to approve the payment of a survivor benefit to the following applicant in about the following amount was made by Jennifer Fish. The motion was seconded and passed unanimously. **CORP 2021-46**

Herbert Marlow (Active Member, deceased August 6, 2021)
Benefit Payable to Spouse Samantha Marlow beginning September 30, 2021: \$1,766.98

Future Agenda Items:

There were no future agenda items discussed.

Call to the Public:

No members of the public addressed the Board.

The meeting was adjourned at 11:17 a.m.

Transcribed September 10, 2021.